REMARKS UNDER 37 CFR § 1.115

Formal Matters

Claims 27-51 are pending after entry of the amendments set forth herein.

Claims 27-30, 32 and 33 are amended. Support for these amendments is found in the specification at, for example, page 10, last full paragraph; paragraph bridging pages 10-11; page 11, second and third full paragraphs. The formula for converting Daltons to Svedbergs is found in the specification at page 5, last full paragraph. Thus, Svedberg values found in the specification can be readily converted to Daltons, and vice versa. Thus the specification provides support for, for example, amendment of the claims to recite 338,000 Daltons (which is 13.5S), 150,000 Daltons (which is 9.34 S), and 13,8S (which is 300,000 Daltons).

No new matter has been added.

Statement Under 37 C.F.R. §§1.56 and 1.2

Applicants hereby advise the Examiner of the following co-pending applications in compliance with the Applicant's duty to disclose under 37 C.F.R. §§1.56 and 1.2 (see also MPEP §2001.06(b)) as discussed in *McKesson Info. Soln. Inc., v. Bridge Medical Inc.*, 487 F.3d 897; 82 USPQ2d 1865 (Fed. Cir. 2007).

1. U.S. Application Serial No. 11/331,575, filed Jan. 13, 2006, pending;
2. U.S. Application Serial No. 12/160,583, filed July 10, 2008, pending;
3. U.S. Application Serial No. 11/331,839, filed Jan. 13, 2006, pending;
4. U.S. Application Serial No. 12/160,584, filed July 10, 2008, pending;

The file histories of these application is available on PAIR, and thus are not provided with this communication.

Restriction Requirement

The Examiner has set out a Restriction Requirement as follows:

Group I:	claims 28-45[1] (presumably this is what the Examiner meant), drawn to compositions comprising a polynucleotide adjuvant and an antigen;
Group II:	claims 46-47, drawn to methods of inducing animmune response using the composition of Group I; and
Group III:	claims 48-51, drawn to methods of making the composition of Group I.

The Examiner asserts that the invention listed in Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the lack the same or corresponding special technical feature. In short, the Examiner asserts that the composition of Group I is in the priot art, and points to Lin et al. ((Sept. 1993) "A new immunostimulatory complex PICKCa in experimental rabies: antiviral and adjuvant effects.: *Arch. Virol.* 131(3-4):307-319).

Applicants hereby elect the claims of Group I with traverse.

Applicants traverse the restriction requirement on the grounds that the claims either as originally presented (e.g., claim 31) or as amended (e.g., claims 27-30 and 32-33) exclude the composition of Lin et al. The compositions of the present claims are defined in terms of a molecular weight and/or a molecular size greater than that of the composition of Lin et al.

[1] Applicants note that the reference to the claims of Group I appears to contain an error. For purposes of this response, Applicants assume that Group I contains claims **27**- 45.

If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees (other than excess claim fees) associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number NBMP-001(SP).

Respectfully submitted,

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